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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,329	10/26/2001	Michael S. Foster	030048043US	8837

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EXAMINER

CHEA, PHILIP J

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,329

Applicant(s)

FOSTER ET AL.

Examiner

Philip J. Chea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/12/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to an Amendment filed May 12, 2005. Claims 1-46 are currently pending. Any rejection not set forth below has been overcome by the current Amendment.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 5/12/05 was filed after the mailing date on 5/12/05. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6,11,12,16-22,30-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesinger, Jr. et al. (US 5,898,830), herein referred to as Wesinger, and further in view of Fan et al. (US 6,219,706), herein referred to as Fan.

As per claims 1,16,31, Wesinger discloses a method in a switch for controlling access to a network, method comprising:

- receiving from a network manager (column 10, lines 9-24, where network manager is considered network administrator) an indication that a node connected is authorized to transmit communications using a destination address (see column 15, lines 19-45, where authorized transmission is considered the allow portion);

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- receiving from the node communications using the destination address (see column 15, lines 19-45, where node communications is implied since there is an indication of communication);
- transmitting the received communications through the network (see column 15, lines 19-45); and
- upon occurrence of a criterion indicating to not transmit communications of the node through the network, suppressing of the transmitting of the communications using the destination address that are subsequently received from the node (see column 15, lines 19-45),

Although the system disclosed by Wesinger shows substantial features of the claimed invention (discussed above), it fails to disclose a switch and receiving an indication that the node connected to the switch is registered with the network manager; and filtering communications based on information contained in a header associated with the communications.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Wesinger, as evidenced by Fan.

In an analogous art, Fan discloses an access control system that controls traffic to and from a local network implemented on a router (see Abstract), and after authorization for transmission receiving an indication that a node connected to a switch is registered (see column 7, lines 41-51), and further filtering communications based on information contained in a header associated with the communications (see column 9, lines 16-40).

Given the teaching of Fan, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Wesinger by employing node registration and packet filtering by examining the packet header, such as disclosed by Fan, in order to allow packets to flow back and forth across the firewall.

As per claims 2,17,32, Wesinger in view of Fan further discloses that the criterion is received from a network manager that the node is no longer authorized to transmit communications through the network (see Wesinger column 10, lines 9-24, where network manager is considered network administrator).

As per claims 3,19,34, Wesinger in view of Fan disclose that the criterion is expiration of a timeout period (see Fan Fig. 7).

As per claims 4,20,35, Wesinger in view of Fan further disclose starting the timeout period when the indication is received from the network manager (see Wesinger column 10, lines 9-24, where network manager is considered network administrator). Given the teaching of the timeout period of Fan, it would have been obvious to include this parameter with the configuration settings done by the system manager taught by Wesinger.

As per claims 5,21,36, Wesinger in view of Fan further disclose that the timeout period is started when a communication is received from a node (see Fan, Fig. 7).

As per claims 6,22,38, Wesinger in view of Fan further disclose that the timeout period is re-started when the received communication has a designated destination address (see Fan, Fig. 7).

As per claim 11, Wesinger in view of Fan further disclose that the switch has multiple ports with the node being connected to one of the multiple ports (see Fan, Fig. 2 [252]).

As per claim 12, Wesinger in view of Fan further disclose that the destination address is a virtual address (see Wesinger column 10, lines 48-65).

As per claims 18,33, Wesinger in view of Fan further discloses that the received indication specifies a destination identifier to which the node is authorized to transmit communications (see Wesinger column 15, lines 32-45, where machines maybe specified by IP address).

As per claim 37, Wesinger in view of Fan further disclose that the period is started when the received communication has a designated destination address (see Fan, Fig. 7).

As per claim 30, using the same motivation to combine as mentioned above, Wesinger in view of Fan further disclose that the routing device is a switch (see Fan Fig. 1, [10]).

As per claim 39, Wesinger in view of Fan further disclose that the timeout period is re-started when the received communication has a designated destination address (see Fan, Fig. 7).

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4. Claims 7-10,23-26,40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesinger in view of Fan as applied to claims 1,16,31 above, and further in view of Jain et al. (US 6,021,495), herein referred to as Jain.

As per claims 7,23,40, although the system disclosed by Wesinger in view of Fan shows substantial features of the claimed invention (discussed above), it fails to disclose detecting a communications error in a transmission between the switch [routing device] and the node.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Wesinger in view of Fan, as evidenced by Jain.

In an analogous art, Jain discloses a switching system where it is able to detect a connection status and provide an authenticating means when connections are detected, further showing detecting a communications error in a transmission between a switch [routing device] and a node (see column 5, lines 24-27).

Given the teaching of Jain, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Wesinger in view of Fan by employing a communications error detecting means, such as disclosed by Jain, in order to provide a security measure to prevent unauthorized access to the network when a machine is disconnected (see column 5, lines 1-12).

As per claims 8,24,41, Wesinger in view of Fan in view of Jain further disclose that the communications error is detected at a physical layer (see Jain column 5, lines 46-54).

As per claims 9,25,42, Wesinger in view of Fan in view of Jain further disclose to not transmit when a disconnection of the node from the switch [routing device] is detected (see Jain column 5, lines 46-54).

As per claims 10,26,43, Wesinger in view of Fan in view of Jain further disclose to not transmit when a termination of the node from the switch [routing device] is detected (see Jain column 5, lines 46-54).

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5. Claims 13,15,27,29,44,46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesinger in view of Fan as applied to claim 1 above, and further in view of Meggyesi ("Fiber Channel Overview").

As per claims 13,27,44, although the system disclosed by Wesinger in view of Fan shows substantial features of the claimed invention (discussed above), it fails to disclose that the switch is Fibre Channel compatible.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Wesinger in view of Fan, as evidenced by Meggyesi.

In an analogous art, Meggyesi discloses that it would have been obvious to one skilled in the art to make the switch Fibre Channel compatible (see page 1, Introduction).

Given the teaching of Meggyesi, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Wesinger in view of Fan by employing a Fibre Channel compatible switch, such as disclosed by Meggyesi, in order to transfer data at high speeds between workstations.

As per claims 15,29,46, using the same motivation to combine as above, Wesinger in view of Meggyesi further disclose that the switch is an interconnect fabric module (see Meggyesi page 2, paragraph 2).

6. Claims 14,28,45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesinger in view of Fan as applied to claims 1,16,31 above, and further in view of whatis.com (InfiniBand definition).

Although the system disclosed by Wesinger in view of Fan shows substantial features of the claimed invention (discussed above), it fails to disclose that the switch is compatible with an interconnect architecture.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Wesinger in view of Fan, as evidenced by whatis.com.

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In an analogous art, whatis.com discloses the benefits of InfiniBand in data networks (see page 1, paragraph 1).

Given the teaching of whatis.com, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Wesinger in view of Fan by employing an InfiniBand compatible switch, such as disclosed by whatis.com, in order to achieve increased reliability and better sharing of data.

Response to Arguments

7. Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea
Examiner
Art Unit 2153

PJC 7/27/05

A. Salad
Primary Examiner